

FILED BY LSH D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
AT MEMPHIS

05 DEC 19 PM 4:22

ALAERIC TEVON BIRGE, A MINOR,
BY MOTHER AND NEXT FRIEND,
PHENIQUESKI S. MICKENS,

Plaintiff,

vs.

DOLLAR GENERAL CORPORATION,

Defendant.

Case No. 04-2531
Judge J. Daniel Breen

THOMAS H. GOULD
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
AT MEMPHIS

THOMAS H. GOULD
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
AT MEMPHIS

05 DEC 20 PM 4:44

FILED BY LSH D.C.

DEFENDANT'S MOTION FOR LEAVE TO FILE A
MEMORANDUM OF LAW IN EXCESS OF 20 PAGES

Defendant hereby moves this Court for leave to exceed the page limitations of Local Rule 7.2(e) for its Memorandum of Law in Support of its Motion to exclude the expert testimony of David H. Ciscel, which is comprised of 28 pages, exclusive of exhibits.

As grounds for this motion, Defendant submits that the Memorandum presents numerous issues that could not be adequately and fully developed within the current page limitations set forth in Local rule 7.2(e).

Defendant has consulted with Plaintiff's counsel in accordance with Local Rule 7.2(a)(B) and is authorized to state that Plaintiff has no objection to this motion.

Defendant has attached a proposed order.

MOTION DENIED

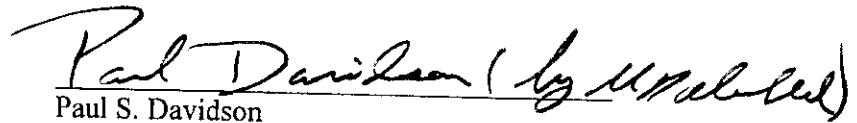
DATE: 12/20/05

J. DANIEL BREEN
U. S. DISTRICT COURT

This document entered on the docket sheet in compliance
with Rule 58 and/or 78(n) FRCP on 12-21-05

65

Respectfully submitted:



Paul S. Davidson
Waller Lansden Dortch & Davis, PLLC
511 Union Street, Suite 2700
Nashville, TN 37219
Telephone: 615/850-8942
Fax: 615/244-6804

John W. McQuiston, II
Michael R. Marshall
Evans & Petree, P.C.
1000 Ridgeway Loop Road, Suite 200
Memphis, TN 38120
Telephone: 901/525-6781

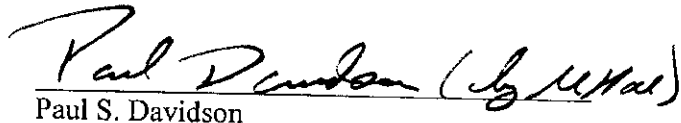
*Attorneys for Defendant Dollar General
Corporation*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by email transmission and U.S. Mail, postage prepaid, to the following:

THE RICHARDSON LAW FIRM
John D. Richardson
Teresa A. Boyd
119 South Main Street, Suite 725
Memphis, TN 38103
Facsimile: 901-523-7677

on the 18 day of Dec. 2005.


Paul S. Davidson



Notice of Distribution

This notice confirms a copy of the document docketed as number 65 in case 2:04-CV-02531 was distributed by fax, mail, or direct printing on December 21, 2005 to the parties listed.

Teresa Ann Boyd
THE RICHARDSON LAW FIRM
119 South Main
Ste. 725
Memphis, TN 38103

Michael R. Marshall
STOKES BARTHOLOMEW EVANS & PETREE, P.A.
1000 Ridgeway Loop Rd.
Ste. 200
Memphis, TN 38120

Paul S. Davidson
WALLER LANSDEN DORTCH & DAVIS
511 Union St.
Ste. 2700
Nashville, TN 37219--896

John McQuiston
STOKES BARTHOLOMEW EVANS & PETREE, P.A.
1000 Ridgeway Loop Rd.
Ste. 200
Memphis, TN 38120

John D. Richardson
THE RICHARDSON LAW FIRM
119 S. Main St.
Ste. 725
Memphis, TN 38103

Honorable J. Breen
US DISTRICT COURT